

## **EXHIBIT 9**

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**Attorneys for Defendant Wayne Weaver**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

JAMMIN' JAVA CORP., dba  
MARLEY COFFEE, SHANE G.  
WHITTLE, WAYNE S. P.  
WEAVER, MICHAEL K. SUN,  
RENE BERLINGER, STEPHEN B.  
WHEATLEY, KEVIN P. MILLER,  
MOHAMMED A. AL-BARWANI,  
ALEXANDER J. HUNTER, and  
THOMAS E. HUNTER,

Defendants.

CASE NO. 2:15-cv-08921 SVW (MRWx)

Hon. Stephen V. Wilson

**DEFENDANT WAYNE WEAVER'S  
RESPONSES TO PLAINTIFF'S  
REVISED REQUESTS FOR  
ADMISSION (SET ONE)**

Trial Date: April 25, 2017

PROPOUNDING PARTY: PLAINTIFF SECURITIES AND EXCHANGE  
COMMISSION

RESPONDING PARTY: DEFENDANT WAYNE WEAVER

SET NO.: ONE [REVISED]

1 States Constitution.

2 10. Weaver objects to Definition and Instruction L. to the extent it purports  
3 to impose on Weaver obligations that are not required under the Federal Rules of  
4 Civil Procedure.

5 **REQUEST FOR ADMISSION NO. 1:**

6 By October 2010, you learned that, on or about March 1, 2010, the Jersey  
7 Financial Services Commission issued an order preventing Michael Sun ("Sun")  
8 from engaging in any employment with any registered person or performing any  
9 function or service within the financial services business without the approval of the  
10 Jersey Financial Services Commission.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

12 Weaver incorporates by reference his General Objections set forth above as if  
13 fully set forth herein. Weaver further specifically objects as follows:

- 14 • The terms "registered person" and "the financial services business" are  
15 vague and ambiguous and potentially call for a legal conclusion;  
16 • The request potentially calls for a legal conclusion to the extent it  
17 requests Defendant interpret an order by the Financial Services  
18 Commission;  
19 • The request is vague and ambiguous, in particular because it is  
20 compound and written in the disjunctive.

21 Subject to and without waiving the foregoing objections, Weaver responds as  
22 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
23 under the Fifth Amendment to the United States Constitution and declines to  
24 answer.

25 **REQUEST FOR ADMISSION NO. 2:**

26 In or around November 2010, you approved the formation of Calgon Invest  
27 S.A. ("Calgon").  
28

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The terms “approved” and “formation” are vague and ambiguous and potentially call for a legal conclusion;
- The request calls for a legal conclusion.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 3:**

From the time of its formation through at least December 2012, you were the beneficial owner of Calgon.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The term “beneficial owner” is vague and ambiguous and calls for a legal conclusion;
- The request calls for a legal conclusion.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 4:**

From the time of its formation through at least December 2012, you controlled Calgon.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

Weaver incorporates by reference his General Objections set forth above as if

1 fully set forth herein. Weaver further specifically objects as follows:

- 2 • The term “controlled” is vague and ambiguous and potentially calls for
- 3 a legal conclusion;
- 4 • The request calls for a legal conclusion.

5 Subject to and without waiving the foregoing objections, Weaver responds as  
6 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
7 under the Fifth Amendment to the United States Constitution and declines to  
8 answer.

9 **REQUEST FOR ADMISSION NO. 5:**

10 You approved the opening of an account or accounts in the name of Calgon in  
11 or around November 2010.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

13 Weaver incorporates by reference his General Objections set forth above as if  
14 fully set forth herein. Weaver further specifically objects as follows:

- 15 • The term “approved” is vague and ambiguous and potentially calls for a
- 16 legal conclusion;
- 17 • The request potentially calls for a legal conclusion.

18 Subject to and without waiving the foregoing objections, Weaver responds as  
19 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
20 under the Fifth Amendment to the United States Constitution and declines to  
21 answer.

22 **REQUEST FOR ADMISSION NO. 6:**

23 From November 2010 to August 2011, you approved stock transactions in the  
24 Calgon account or accounts.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

26 Weaver incorporates by reference his General Objections set forth above as if  
27 fully set forth herein. Weaver further specifically objects as follows:

- 28 • The terms “approved” and “stock transactions” are vague and

1           ambiguous and potentially call for a legal conclusion;

- 2           • The request potentially calls for a legal conclusion.

3           Subject to and without waiving the foregoing objections, Weaver responds as  
4 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
5 under the Fifth Amendment to the United States Constitution and declines to  
6 answer.

7 **REQUEST FOR ADMISSION NO. 7:**

8           From November 2010 to December 2012, you approved fund transfers in the  
9 Calgon account or accounts.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

11           Weaver incorporates by reference his General Objections set forth above as if  
12 fully set forth herein. Weaver further specifically objects as follows:

- 13           • The terms “approved” and “fund transfers” are vague and ambiguous  
14 and potentially call for a legal conclusion;  
15           • The request potentially calls for a legal conclusion.

16           Subject to and without waiving the foregoing objections, Weaver responds as  
17 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
18 under the Fifth Amendment to the United States Constitution and declines to  
19 answer.

20 **REQUEST FOR ADMISSION NO. 8:**

21           Beyond the acquisition, purchase, sale, or transfer of stock, Calgon had no  
22 operations or employees from its formation through at least December 2012.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

24           Weaver incorporates by reference his General Objections set forth above as if  
25 fully set forth herein. Weaver further specifically objects as follows:

- 26           • The terms “acquisition,” “transfer,” “operations,” and “employees” are  
27 vague and ambiguous and potentially call for a legal conclusion;  
28           • The request is vague and ambiguous, in particular because it is

1 compound and written in the disjunctive.

2 Subject to and without waiving the foregoing objections, Weaver responds as  
3 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
4 under the Fifth Amendment to the United States Constitution and declines to  
5 answer.

6 **REQUEST FOR ADMISSION NO. 9:**

7 From its formation through at least December 2012, Calgon had no officers  
8 other than Rene Berlinger ("Berlinger") or entities controlled by him.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

10 Weaver incorporates by reference his General Objections set forth above as if  
11 fully set forth herein. Weaver further specifically objects as follows:

- 12 • The term "controlled" is vague and ambiguous and potentially calls for  
13 a legal conclusion;  
14 • The request potentially calls for a legal conclusion;  
15 • The request is vague and ambiguous, in particular because it is written  
16 in the disjunctive.

17 Subject to and without waiving the foregoing objections, Weaver responds as  
18 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
19 under the Fifth Amendment to the United States Constitution and declines to  
20 answer.

21 **REQUEST FOR ADMISSION NO. 10:**

22 You selected Berlinger to form Calgon and other entities on your behalf in  
23 order to conceal your interest in those entities.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

25 Weaver incorporates by reference his General Objections set forth above as if  
26 fully set forth herein. Weaver further specifically objects as follows:

- 27 • The terms "form," "on your behalf," and "your interest" are vague and  
28 ambiguous and potentially call for a legal conclusion;



- The request is vague and ambiguous, in particular because it is compound.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 11:**

On or about March 31, 2011, Calgon acquired 3,361,371 shares of Jammin' Java stock held in the name of Shaun Sullivan ("Sullivan") (977,125 shares), Laura Ignatescue ("Ignatescue") (403,306 shares), Mehrdad Nourbakhsh ("Nourbakhsh") (854,058 shares), Steve Darby ("Darby") (118,619 shares), Chad Horton ("Horton") (118,619 shares), and Anil Mall ("Mall") (889,644 shares).

**RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The terms "acquired" and "held in the name of" are vague and ambiguous and potentially call for a legal conclusion;
- The request is vague and ambiguous, in particular because it is compound.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 12:**

You never personally interacted with Sullivan, Ignatescue, Nourbakhsh, Darby, Horton, or Mall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

Weaver incorporates by reference his General Objections set forth above as if



1 fully set forth herein. Weaver further specifically objects as follows:

- 2 • The term “personally interacted” is vague and ambiguous;
- 3 • The request is vague and ambiguous, in particular because it is
- 4 compound and written in the disjunctive.

5 Subject to and without waiving the foregoing objections, Weaver responds as  
6 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
7 under the Fifth Amendment to the United States Constitution and declines to  
8 answer.

9 **REQUEST FOR ADMISSION NO. 13:**

10 On behalf of Calgon, you approved Calgon’s acquisition of 3,361,371 shares  
11 of Jammin’ Java stock that occurred on or about March 31, 2011.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

13 Weaver incorporates by reference his General Objections set forth above as if  
14 fully set forth herein. Weaver further specifically objects as follows:

- 15 • The terms “approved” and “acquisition” are vague and ambiguous and
- 16 potentially call for a legal conclusion;
- 17 • The request potentially calls for a legal conclusion;
- 18 • The request is vague and ambiguous, in particular because it is
- 19 compound.

20 Subject to and without waiving the foregoing objections, Weaver responds as  
21 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
22 under the Fifth Amendment to the United States Constitution and declines to  
23 answer.

24 **REQUEST FOR ADMISSION NO. 14:**

25 Calgon sold shares of Jammin’ Java stock on or about the dates and generated  
26 the approximate amount of gross proceeds listed in Table 1 below.

27 ///

28 ///

**Table 1. Calgon Sales of Jammin' Java Stock**

Approximate Date	Shares Sold (Bought)	Credit (Debit)
3/29/2011	150,000	\$ 221,663
3/30/2011	115,000	\$ 170,465
3/31/2011	104,667	\$ 159,963
4/1/2011	203,618	\$ 318,847
4/4/2011	160,000	\$ 266,660
4/5/2011	708,267	\$ 1,188,206
4/6/2011	168,055	\$ 290,530
4/7/2011	120,000	\$ 212,994
4/8/2011	62,285	\$ 112,891
4/11/2011	80,000	\$ 147,431
4/12/2011	155,000	\$ 288,755
4/13/2011	755,000	\$ 1,400,805
4/14/2011	55,000	\$ 91,571
4/15/2011	410,000	\$ 724,785
4/20/2011	900	\$ 1,507
4/25/2011	113,579	\$ 210,154
<b>Total</b>	<b>3,361,371</b>	<b>\$ 5,807,227</b>

**RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The terms “on or about,” “gross proceeds,” and “approximate amounts” are vague and ambiguous;
- The request is vague and ambiguous, in particular as it requests Weaver admit sales occurred “on or about” certain dates and generated an “approximate amount” of gross proceeds;
- The request is vague and ambiguous, in particular because it is compound.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

1 answer.

2 **REQUEST FOR ADMISSION NO. 38:**

3 From the time of its formation through at least December 2012, you were the  
4 beneficial owner of Manitou.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

6 Weaver incorporates by reference his General Objections set forth above as if  
7 fully set forth herein. Weaver further specifically objects as follows:

- 8 • The term “beneficial owner” is vague and ambiguous and potentially  
9 calls for a legal conclusion;
- 10 • The request calls for a legal conclusion.

11 Subject to and without waiving the foregoing objections, Weaver responds as  
12 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
13 under the Fifth Amendment to the United States Constitution and declines to  
14 answer.

15 **REQUEST FOR ADMISSION NO. 39:**

16 From the time of its formation through at least December 2012, you  
17 controlled Manitou.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

19 Weaver incorporates by reference his General Objections set forth above as if  
20 fully set forth herein. Weaver further specifically objects as follows:

- 21 • The term “controlled” is vague and ambiguous and potentially calls for  
22 a legal conclusion;
- 23 • The request calls for a legal conclusion.

24 Subject to and without waiving the foregoing objections, Weaver responds as  
25 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
26 under the Fifth Amendment to the United States Constitution and declines to  
27 answer.

28

1 **REQUEST FOR ADMISSION NO. 40:**

2       You approved the opening of an account or accounts in the name of Manitou  
3 in or around February 2011.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

5       Weaver incorporates by reference his General Objections set forth above as if  
6 fully set forth herein. Weaver further specifically objects as follows:

- 7           • The term “approved” is vague and ambiguous and potentially calls for a  
8 legal conclusion;  
9           • The request potentially calls for a legal conclusion.

10       Subject to and without waiving the foregoing objections, Weaver responds as  
11 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
12 under the Fifth Amendment to the United States Constitution and declines to  
13 answer.

14 **REQUEST FOR ADMISSION NO. 41:**

15       From February 2011 to August 2011, you approved stock transactions in the  
16 Manitou account or accounts.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 41:**

18       Weaver incorporates by reference his General Objections set forth above as if  
19 fully set forth herein. Weaver further specifically objects as follows:

- 20           • The terms “approved” and “stock transactions” are vague and  
21 ambiguous and potentially call for a legal conclusion;  
22           • The request potentially calls for a legal conclusion.

23       Subject to and without waiving the foregoing objections, Weaver responds as  
24 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
25 under the Fifth Amendment to the United States Constitution and declines to  
26 answer.

27 **REQUEST FOR ADMISSION NO. 42:**

28       From February 2011 to December 2012, you approved fund transfers in the

1 Manitou account or accounts.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 42:**

3 Weaver incorporates by reference his General Objections set forth above as if  
4 fully set forth herein. Weaver further specifically objects as follows:

- 5 • The terms “approved” and “fund transfers” are vague and ambiguous  
6 and potentially call for a legal conclusion;
- 7 • The request potentially calls for a legal conclusion.

8 Subject to and without waiving the foregoing objections, Weaver responds as  
9 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
10 under the Fifth Amendment to the United States Constitution and declines to  
11 answer.

12 **REQUEST FOR ADMISSION NO. 43:**

13 Beyond the acquisition, purchase, sale, or transfer of stock, Manitou had no  
14 operations or employees from its formation through at least December 2012.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 43:**

16 Weaver incorporates by reference his General Objections set forth above as if  
17 fully set forth herein. Weaver further specifically objects as follows:

- 18 • The terms “acquisition,” “transfer,” “operations,” and “employees” are  
19 vague and ambiguous and potentially call for a legal conclusion;
- 20 • The request is vague and ambiguous, in particular because it is  
21 compound and written in the disjunctive.

22 Subject to and without waiving the foregoing objections, Weaver responds as  
23 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
24 under the Fifth Amendment to the United States Constitution and declines to  
25 answer.

26 **REQUEST FOR ADMISSION NO. 44:**

27 From its formation through at least December 2012, Manitou had no officers  
28 other than Anthony Killarney, Kenneth Ciapala, and Roger Knox (“Knox”) or

1 entities controlled by them.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 44:**

3 Weaver incorporates by reference his General Objections set forth above as if  
4 fully set forth herein. Weaver further specifically objects as follows:

- 5 • The term “controlled” is vague and ambiguous and potentially calls for  
6 a legal conclusion;
- 7 • The request potentially calls for a legal conclusion;
- 8 • The request is vague and ambiguous, in particular because it is written  
9 in the disjunctive.

10 Subject to and without waiving the foregoing objections, Weaver responds as  
11 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
12 under the Fifth Amendment to the United States Constitution and declines to  
13 answer.

14 **REQUEST FOR ADMISSION NO. 45:**

15 On or about March 8, 2011, Manitou acquired 2,751,964 shares of Jammin’  
16 Java stock held in the name of Sullivan (2,040,250 shares) and Maria Hay (“Hay”)  
17 (711,714 shares).

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 45:**

19 Weaver incorporates by reference his General Objections set forth above as if  
20 fully set forth herein. Weaver further specifically objects as follows:

- 21 • The terms “acquired” and “held in the name of” are vague and  
22 ambiguous and potentially call for a legal conclusion;
- 23 • The request is vague and ambiguous, in particular because it is  
24 compound.

25 Subject to and without waiving the foregoing objections, Weaver responds as  
26 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
27 under the Fifth Amendment to the United States Constitution and declines to  
28 answer.



**RESPONSE TO REQUEST FOR ADMISSION NO. 49:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The term “transferred” is vague and ambiguous;
- The request is vague and ambiguous, in particular as it requests Weaver admit a “transfer” occurred “on or about” a certain date in an approximate amount;
- The request is vague and ambiguous, in particular because it is compound.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 50:**

In or around September 2010, you approved the formation of Timotei Overseas, Inc. (“Timotei”).

**RESPONSE TO REQUEST FOR ADMISSION NO. 50:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The terms “approved” and “formation” are vague and ambiguous and potentially call for a legal conclusion;
- The request calls for a legal conclusion.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 51:**

From the time of its formation through at least December 2012, you were the



1 beneficial owner of Timotei.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 51:**

3 Weaver incorporates by reference his General Objections set forth above as if  
4 fully set forth herein. Weaver further specifically objects as follows:

- 5 • The term “beneficial owner” is vague and ambiguous and potentially  
6 calls for a legal conclusion;  
7 • The request calls for a legal conclusion.

8 Subject to and without waiving the foregoing objections, Weaver responds as  
9 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
10 under the Fifth Amendment to the United States Constitution and declines to  
11 answer.

12 **REQUEST FOR ADMISSION NO. 52:**

13 From the time of its formation through at least December 2012, you  
14 controlled Timotei.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 52:**

16 Weaver incorporates by reference his General Objections set forth above as if  
17 fully set forth herein. Weaver further specifically objects as follows:

- 18 • The term “controlled” is vague and ambiguous and potentially calls for  
19 a legal conclusion;  
20 • The request calls for a legal conclusion.

21 Subject to and without waiving the foregoing objections, Weaver responds as  
22 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
23 under the Fifth Amendment to the United States Constitution and declines to  
24 answer.

25 **REQUEST FOR ADMISSION NO. 53:**

26 You approved the opening of an account or accounts in the name of Timotei  
27 in or around September 2010.

28

**RESPONSE TO REQUEST FOR ADMISSION NO. 53:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The term “approved” is vague and ambiguous and potentially calls for a legal conclusion;
- The request potentially calls for a legal conclusion.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 54:**

From September 2010 to August 2011, you approved stock transactions in the Timotei account or accounts.

**RESPONSE TO REQUEST FOR ADMISSION NO. 54:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The terms “approved” and “stock transactions” are vague and ambiguous and potentially call for a legal conclusion;
- The request potentially calls for a legal conclusion.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 55:**

From September 2010 to December 2012, you approved fund transfers in the Timotei account or accounts.

**RESPONSE TO REQUEST FOR ADMISSION NO. 55:**

Weaver incorporates by reference his General Objections set forth above as if

1 fully set forth herein. Weaver further specifically objects as follows:

- 2 • The terms “approved” and “fund transfers” are vague and ambiguous
- 3 and potentially call for a legal conclusion;
- 4 • The request potentially calls for a legal conclusion.

5 Subject to and without waiving the foregoing objections, Weaver responds as  
6 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
7 under the Fifth Amendment to the United States Constitution and declines to  
8 answer.

9 **REQUEST FOR ADMISSION NO. 56:**

10 Beyond the acquisition, purchase, sale, or transfer of stock, Timotei had no  
11 operations or employees from its formation through at least December 2012.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 56:**

13 Weaver incorporates by reference his General Objections set forth above as if  
14 fully set forth herein. Weaver further specifically objects as follows:

- 15 • The terms “acquisition,” “transfer,” “operations,” and “employees” are
- 16 vague and ambiguous and potentially call for a legal conclusion;
- 17 • The request is vague and ambiguous, in particular because it is
- 18 compound and written in the disjunctive.

19 Subject to and without waiving the foregoing objections, Weaver responds as  
20 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
21 under the Fifth Amendment to the United States Constitution and declines to  
22 answer.

23 **REQUEST FOR ADMISSION NO. 57:**

24 On or about March 4, 2011, Timotei acquired 1,033,052 shares of Jammin’  
25 Java stock held in the name of James Philip Scott (“Scott”).

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 57:**

27 Weaver incorporates by reference his General Objections set forth above as if  
28 fully set forth herein. Weaver further specifically objects as follows:

- The terms “acquired” and “held in the name of” are vague and ambiguous and potentially call for a legal conclusion;
- The request is vague and ambiguous, in particular because it is compound.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 58:**

On behalf of Timotei, you approved Timotei’s acquisition of 1,033,052 shares of Jammin’ Java stock from Scott that occurred on or about March 4, 2011.

**RESPONSE TO REQUEST FOR ADMISSION NO. 58:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The terms “approved” and “acquisition” are vague and ambiguous and potentially call for a legal conclusion;
- The request potentially calls for a legal conclusion;
- The request is vague and ambiguous, in particular because it is compound.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 59:**

You never personally interacted with Scott.

**RESPONSE TO REQUEST FOR ADMISSION NO. 59:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

1 fully set forth herein. Weaver further specifically objects as follows:

- 2           • The term “subscriber” is vague and ambiguous and potentially calls for  
3 a legal conclusion;  
4           • The request potentially calls for a legal conclusion.

5           Subject to and without waiving the foregoing objections, Weaver responds as  
6 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
7 under the Fifth Amendment to the United States Constitution and declines to  
8 answer.

9 **REQUEST FOR ADMISSION NO. 69:**

10           From the time of its formation through at least December 2012, you were the  
11 beneficial owner of Arcis.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 69:**

13           Weaver incorporates by reference his General Objections set forth above as if  
14 fully set forth herein. Weaver further specifically objects as follows:

- 15           • The term “beneficial owner” is vague and ambiguous and potentially  
16 calls for a legal conclusion;  
17           • The request calls for a legal conclusion.

18           Subject to and without waiving the foregoing objections, Weaver responds as  
19 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
20 under the Fifth Amendment to the United States Constitution and declines to  
21 answer.

22 **REQUEST FOR ADMISSION NO. 70:**

23           From the time of its formation through at least December 2012, you  
24 controlled Arcis.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 70:**

26           Weaver incorporates by reference his General Objections set forth above as if  
27 fully set forth herein. Weaver further specifically objects as follows:

- 28           • The term “controlled” is vague and ambiguous and potentially calls for

1 a legal conclusion;

- 2 • The request calls for a legal conclusion.

3 Subject to and without waiving the foregoing objections, Weaver responds as  
4 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
5 under the Fifth Amendment to the United States Constitution and declines to  
6 answer.

7 **REQUEST FOR ADMISSION NO. 71:**

8 You approved the opening of an account or accounts in the name of Arcis in  
9 or around September 2010.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 71:**

11 Weaver incorporates by reference his General Objections set forth above as if  
12 fully set forth herein. Weaver further specifically objects as follows:

- 13 • The term “approved” is vague and ambiguous and potentially calls for a  
14 legal conclusion;  
15 • The request potentially calls for a legal conclusion.

16 Subject to and without waiving the foregoing objections, Weaver responds as  
17 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
18 under the Fifth Amendment to the United States Constitution and declines to  
19 answer.

20 **REQUEST FOR ADMISSION NO. 72:**

21 From September 2010 to August 2011, you approved stock transactions in the  
22 Arcis account or accounts.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 72:**

24 Weaver incorporates by reference his General Objections set forth above as if  
25 fully set forth herein. Weaver further specifically objects as follows:

- 26 • The terms “approved” and “stock transactions” are vague and  
27 ambiguous and potentially call for a legal conclusion;  
28 • The request potentially calls for a legal conclusion.



1 Subject to and without waiving the foregoing objections, Weaver responds as  
2 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
3 under the Fifth Amendment to the United States Constitution and declines to  
4 answer.

5 **REQUEST FOR ADMISSION NO. 73:**

6 From September 2010 to December 2012, you approved fund transfers in the  
7 Arcis account or accounts.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 73:**

9 Weaver incorporates by reference his General Objections set forth above as if  
10 fully set forth herein. Weaver further specifically objects as follows:

- 11 • The terms “approved” and “fund transfers” are vague and ambiguous  
12 and potentially call for a legal conclusion;
- 13 • The request potentially calls for a legal conclusion.

14 Subject to and without waiving the foregoing objections, Weaver responds as  
15 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
16 under the Fifth Amendment to the United States Constitution and declines to  
17 answer.

18 **REQUEST FOR ADMISSION NO. 74:**

19 Beyond the acquisition, purchase, sale, or transfer of stock, Arcis had no  
20 operations or employees from its formation through at least December 2012.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 74:**

22 Weaver incorporates by reference his General Objections set forth above as if  
23 fully set forth herein. Weaver further specifically objects as follows:

- 24 • The terms “acquisition,” “transfer,” “operations,” and “employees” are  
25 vague and ambiguous and potentially call for a legal conclusion;
- 26 • The request is vague and ambiguous, in particular because it is  
27 compound and written in the disjunctive.

28 Subject to and without waiving the foregoing objections, Weaver responds as



1 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
2 under the Fifth Amendment to the United States Constitution and declines to  
3 answer.

4 **REQUEST FOR ADMISSION NO. 75:**

5 David Craven and Stephen Drayton served as the officers of Arcis and had  
6 authority from you to act on its behalf.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 75:**

8 Weaver incorporates by reference his General Objections set forth above as if  
9 fully set forth herein. Weaver further specifically objects as follows:

- 10 • The terms “authority” and “act on its behalf” are vague and ambiguous  
11 and potentially call for a legal conclusion;
- 12 • The request is vague and ambiguous, in particular because it is  
13 compound.

14 Subject to and without waiving the foregoing objections, Weaver responds as  
15 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
16 under the Fifth Amendment to the United States Constitution and declines to  
17 answer.

18 **REQUEST FOR ADMISSION NO. 76:**

19 On or about March 8, 2011, Arcis acquired 1,637,160 shares from Luminus  
20 Real Estate, Inc. (“Luminus”).

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 76:**

22 Weaver incorporates by reference his General Objections set forth above as if  
23 fully set forth herein. Weaver further specifically objects as follows:

- 24 • The term “acquired” is vague and ambiguous and potentially calls for a  
25 legal conclusion;
- 26 • The request is vague and ambiguous, in particular because it is  
27 compound.

28 Subject to and without waiving the foregoing objections, Weaver responds as

- The terms “on or about,” “approximately,” “Legacy Global,” “controlled,” and “held for your benefit” are vague and ambiguous and potentially call for a legal conclusion;
- The request calls for a legal conclusion;
- The request is vague and ambiguous, in particular as it requests Weaver admit a certain transfer of an “approximate” amount occurred “on or about” a certain date;
- The request is vague and ambiguous, in particular because it is compound.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 95:**

In or around February 2009, you approved the formation of Donnolis Invest Corp. (“Donnolis”).

**RESPONSE TO REQUEST FOR ADMISSION NO. 95:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The terms “approved” and “formation” are vague and ambiguous and potentially call for a legal conclusion;
- The request calls for a legal conclusion.

Subject to and without waiving the foregoing objections, Weaver responds as follows: Based on the advice of counsel, Weaver respectfully invokes his privilege under the Fifth Amendment to the United States Constitution and declines to answer.

**REQUEST FOR ADMISSION NO. 96:**

From the time of its formation through at least December 2012, you were the

1 beneficial owner of Donnolis.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 96:**

3 Weaver incorporates by reference his General Objections set forth above as if  
4 fully set forth herein. Weaver further specifically objects as follows:

- 5 • The term “beneficial owner” is vague and ambiguous and potentially
- 6 calls for a legal conclusion;
- 7 • The request calls for a legal conclusion.

8 Subject to and without waiving the foregoing objections, Weaver responds as  
9 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
10 under the Fifth Amendment to the United States Constitution and declines to  
11 answer.

12 **REQUEST FOR ADMISSION NO. 97:**

13 From the time of its formation through at least December 2012, you  
14 controlled Donnolis.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 97:**

16 Weaver incorporates by reference his General Objections set forth above as if  
17 fully set forth herein. Weaver further specifically objects as follows:

- 18 • The term “controlled” is vague and ambiguous and potentially calls for
- 19 a legal conclusion;
- 20 • The request calls for a legal conclusion.

21 Subject to and without waiving the foregoing objections, Weaver responds as  
22 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
23 under the Fifth Amendment to the United States Constitution and declines to  
24 answer.

25 **REQUEST FOR ADMISSION NO. 98:**

26 You approved the opening of an account or accounts in the name of Donnolis  
27 in or around March 2010.

28

**1 RESPONSE TO REQUEST FOR ADMISSION NO. 98:**

2 Weaver incorporates by reference his General Objections set forth above as if  
3 fully set forth herein. Weaver further specifically objects as follows:

- 4 • The term “approved” is vague and ambiguous and potentially calls for a  
5 legal conclusion;
- 6 • The request potentially calls for a legal conclusion.

7 Subject to and without waiving the foregoing objections, Weaver responds as  
8 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
9 under the Fifth Amendment to the United States Constitution and declines to  
10 answer.

**11 REQUEST FOR ADMISSION NO. 99:**

12 From March 2010 to August 2011, you approved stock transactions in the  
13 Donnolis account or accounts.

**14 RESPONSE TO REQUEST FOR ADMISSION NO. 99:**

15 Weaver incorporates by reference his General Objections set forth above as if  
16 fully set forth herein. Weaver further specifically objects as follows:

- 17 • The terms “approved” and “stock transactions” are vague and  
18 ambiguous and potentially call for a legal conclusion;
- 19 • The request potentially calls for a legal conclusion.

20 Subject to and without waiving the foregoing objections, Weaver responds as  
21 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
22 under the Fifth Amendment to the United States Constitution and declines to  
23 answer.

**24 REQUEST FOR ADMISSION NO. 100:**

25 From March 2010 to December 2012, you approved fund transfers in the  
26 Donnolis account or accounts.

**27 RESPONSE TO REQUEST FOR ADMISSION NO. 100:**

28 Weaver incorporates by reference his General Objections set forth above as if

1 fully set forth herein. Weaver further specifically objects as follows:

- 2 • The terms “approved” and “fund transfers” are vague and ambiguous
- 3 and potentially call for a legal conclusion;
- 4 • The request potentially calls for a legal conclusion.

5 Subject to and without waiving the foregoing objections, Weaver responds as  
6 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
7 under the Fifth Amendment to the United States Constitution and declines to  
8 answer.

9 **REQUEST FOR ADMISSION NO. 101:**

10 Beyond the acquisition, purchase, sale, or transfer of stock, Donnolis had no  
11 operations or employees from its formation through at least December 2012.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 101:**

13 Weaver incorporates by reference his General Objections set forth above as if  
14 fully set forth herein. Weaver further specifically objects as follows:

- 15 • The terms “acquisition,” “transfer,” “operations,” and “employees” are
- 16 vague and ambiguous and potentially call for a legal conclusion;
- 17 • The request is vague and ambiguous, in particular because it is
- 18 compound and written in the disjunctive.

19 Subject to and without waiving the foregoing objections, Weaver responds as  
20 follows: Based on the advice of counsel, Weaver respectfully invokes his privilege  
21 under the Fifth Amendment to the United States Constitution and declines to  
22 answer.

23 **REQUEST FOR ADMISSION NO. 102:**

24 On or about November 23, 2010, Donnolis acquired 3,198,000 shares from  
25 Luminus.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 102:**

27 Weaver incorporates by reference his General Objections set forth above as if  
28 fully set forth herein. Weaver further specifically objects as follows:

**RESPONSE TO REQUEST FOR ADMISSION NO. 134:**

Weaver incorporates by reference his General Objections set forth above as if fully set forth herein. Weaver further specifically objects as follows:

- The terms “conduct” and “impacted” are vague and ambiguous and potentially call for a legal conclusion;
- The request calls for a legal conclusion;
- The request is overbroad, in particular as it requests an admission that completely unidentified “conduct” by Weaver during an unspecified period of time and potentially unrelated to the entities at issue in this case or the SEC’s allegations, “impacted” the U.S. securities market.

Weaver will not respond to the request as drafted.

DATED: October 27, 2016

SCHEPER KIM & HARRIS LLP

MARC S. HARRIS

MARGARET E. DAYTON

By: 

Marc S. Harris

Attorneys for Defendant Wayne Weaver



**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 West Fifth Street, 12th Floor, Los Angeles, California 90071-2025.

On October 27, 2016, I served true copies of the following document(s) described as **DEFENDANT WAYNE WEAVER'S RESPONSES TO PLAINTIFF'S REVISED REQUESTS FOR ADMISSION (SET ONE)** on the interested parties in this action as follows:

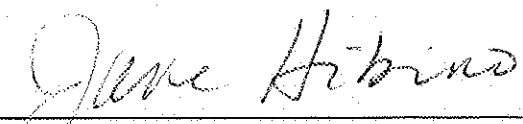
**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document to be sent from e-mail address jhibino@scheperkim.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Scheper Kim & Harris's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 27, 2016, at Los Angeles, California.

  
\_\_\_\_\_  
June Hibino